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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
 )  
Amendment of Parts 2 and 25 of the ) ET Docket No. 96-20  
Commission's Rules to Allocate the ) RM-8638  
13.75 - 14.0 GHz Band to the )  
Fixed-Satellite Service )

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REPLY COMMENTS OF COMSAT WORLD SYSTEMS

COMSAT Corporation, through its COMSAT World Systems business unit ("COMSAT"), herein submits its Reply Comments to certain issues raised in Comments filed by several parties in response to the Federal Communications Commission's Notice of Proposed Rulemaking ("Notice") in the above-captioned proceeding. COMSAT filed its Comments in support of the Notice on April 1, 1996.<sup>1</sup> On April 12, 1996, the Commission, on its own motion, extended the date for filing Reply Comments to April 26, 1996.

In its Comments, COMSAT fully supported the need for the new FSS allocation at 13.75-14.0 GHz and the changes to the Commission's Rules proposed in the Notice to reflect the decision taken at the 1992 World Administrative Radio Conference ("WARC-92") to make this uplink band available on a worldwide primary basis to serve expanding global markets for new satellite

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<sup>1</sup>See, Comments of COMSAT filed April 1, 1996; see also, Comments filed by GE American Communications, Inc. ("GE Americom"), Hughes Communications Galaxy, Inc. ("HCG"), and Loral Aerospace Holdings Inc. ("LAHI").

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services. COMSAT pointed out that the proposed allocation will help correct the imbalance of 500 MHz between the amount of spectrum allocated for FSS uplinks and the spectrum bands currently allocated for FSS downlinks.<sup>2</sup>

All other parties filing formal comments on the Notice also support the Commission's proposed allocation of the 13.75-14.0 GHz band to FSS. No comments were filed in opposition to the Notice.

On April 9, 1996, the Commission made available to COMSAT a copy of a paper entitled "NASA draft comments on FCC Notice of Proposed Rule Making in the matter of Amendment of Parts 2 and 25 of the Commission's Rules to Allocate the 13.75-14.0 GHz Band to the Fixed-Satellite Service (ET Docket No. 96-20)." ("NASA's Draft Comments"). We believe that NASA's Draft Comments were also made available to all other parties of interest in this proceeding for comment.

Our understanding is that NASA's Draft Comments were submitted by NASA to a meeting of the Interagency Radio Advisory Committee ("IRAC") during the week of April 1, 1996 and that the Commission's liaison representative to IRAC returned from the meeting with a copy of the NASA Draft Comments for inclusion in the record of this rulemaking proceeding. COMSAT is pleased to have the opportunity to comment on NASA's Draft Comments.

We read the NASA Draft Comments as proposing that the

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<sup>2</sup>See, Comments of COMSAT at 1-2.

Commission incorporate into its Rules the language contained in footnotes S5.502, S5.503, S5.503A from the Final Acts of the 1995 World Radiocommunication Conference ("WRC-95") and from Recommendation ITU-R SA.1071.<sup>3</sup> As a general matter, we support this proposal; indeed, COMSAT suggested a similar approach in its Comments. We noted that in the Notice, the Commission indicates that it is reviewing the Final Acts of WRC-95 and will consider the international footnotes adopted for the 13.75-14.0 MHz band later in this proceeding.<sup>4</sup> In this regard, COMSAT suggested that the Commission should use the wording of footnotes MOD S5.502 (replaces 855A), MOD S5.503 (replaces part of 855B) and ADD S5.503A (replaces part of 855B), as contained in the Final Acts of WRC-95 at 175-176. These would substitute for the international footnotes now in Appendix A, page 3 of the Notice.<sup>5</sup>

Nevertheless, COMSAT does have a concern with respect to NASA's proposal insofar as it suggests that the FSS earth station emission criteria from ITU-R-SA.1071 should be added to Part 25 of the Commission's Rules concerning satellite communications.<sup>6</sup> Specifically, our concern is that NASA includes language in items 6.a. and 6.e. that is not contained in ITU-R-SA.1071. These items read as follows in NASA's Draft Comments:

6.a. "FSS Earth stations operating in the 13.75-14.0 GHz

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<sup>3</sup>See, NASA's Draft Comments at para. 1.

<sup>4</sup>See, Notice at n.3.

<sup>5</sup>See, Comments of COMSAT at 2 n.3.

<sup>6</sup>See, NASA's Draft Comments at 3.

band shall not be located within the critical zones identified in Figure 1 until 1 January 2000." and 6.e. "FSS earth stations operating in the 13.75-13.8 GHz band shall not be located within the critical zones identified in Figure 2 until 1 January 2001."<sup>7</sup>

These items differ from ITU-R-SA.1071 in the key aspect of how earth stations will be treated in the exclusion zones. The requirement in ITU-R-SA.1071 is that earth stations within these zones will require consultation on a case-by-case basis, whereas NASA's Draft Comments would exclude earth stations from the critical zones until January 1, 2000. We believe that the Commission should adopt the provision in ITU-R-SA.1071 which has been accepted by administrations as a recommendation of the ITU Radiocommunication Sector. In any event, a large portion of the critical zones lie outside of the United States and are not under the Commission's jurisdiction. Moreover, we note that NASA's Draft Comments on page two correctly reflect the provision in recommendation ITU-R-SA.1071 that earth stations located within the critical zones will require consultation on a case-by-case basis.

Further, COMSAT does not disagree with NASA's proposed language which reflects the Commission's proposal to require that all FSS applications that request the use of any frequency in the 13.75-14.0 GHz band segment be coordinated through the Government/non-Government Frequency Assignment Subcommittee ("FAS") process at NTIA to ensure that interference to TDRSS is

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<sup>7</sup>NASA's Draft Comments at 3.

minimized.<sup>8</sup> However, as requested by COMSAT, we believe that steps need to be taken to ensure that this process will not unduly delay FSS applications to use this band which comply with the criteria to protect TDRSS operations.<sup>9</sup>

COMSAT proposed that FSS applications filed with the Commission be immediately processed through the FAS with some reasonable timeframe for response and that FSS applicants should be included in any discussions necessary to assess the potential for interference and to clarify operating arrangements to avoid harmful interference. We note that HCG proposes a similar requirement in its comments.<sup>10</sup>

Finally, GE Americom raises a new issue in its comments regarding the use of downlink bands at 10.95-11.2 and 11.45-11.7 GHz which is not addressed by the Commission in the Notice. Specifically, GE Americom would have the Commission lift the existing restriction that limit the use of these bands to international FSS systems and thereby make them available also to domestic FSS systems.<sup>11</sup>

COMSAT's concern regarding the GE Americom proposal is that addressing this new issue in this proceeding could cause delay in implementing the new FSS uplink band at 13.75-14.0 GHz band. Specifically, we believe that additional time may be necessary to

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<sup>8</sup>See, NASA's Draft Comments at 3; see also, Notice at para. 11.

<sup>9</sup>See, Comments of COMSAT at 4.

<sup>10</sup>See, Comments of HCG at 3.

<sup>11</sup>See, Comments of GE Americom.

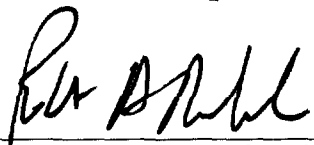
address this issue and that the fixed-service operators who share the downlink bands could request time to comment on the issue raised by GE Americom, thereby delaying this proceeding. Accordingly, COMSAT believes it would better serve the public interest for the Commission to address the issues of the downlink bands in a separate proceeding.

In view of the above, COMSAT requests that the Commission proceed expeditiously to adopt the provisions in the Notice taking into account the points raised in COMSAT's Comments and Reply Comments.

Respectfully submitted,

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April 25, 1996

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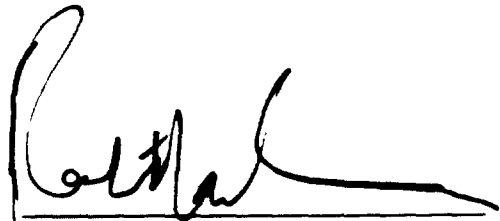
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